



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

JUN 15 2015

CERTIFIED MAIL 7001 0320 0006 1452 2522
RETURN RECEIPT REQUESTED

Mr. Joseph M. Grana
Manufacturing Support Manager
Cerro Flow Products LLC
3000 Mississippi Avenue
Sauget, Illinois 62206

Re: Notice of Violation
Compliance Evaluation Inspection
Facility ID: ILD 080018914

Dear Mr. Grana:

On August 28, 2014 a representative of the U.S. Environmental Protection Agency inspected the Cerro Flow Products LLC ("Cerro") facility located in Sauget, Illinois. As a "large quantity generator" of hazardous waste, Cerro is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (RCRA). The purpose of the inspection was to evaluate Cerro's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by Cerro, EPA's review of records pertaining to Cerro, and the inspector's observations, EPA has determined that Cerro has unlawfully stored hazardous waste without a permit or interim status as a result of Cerro's failure to comply with certain condition for a permit exemption under Ill. Admin. Code tit. 35 § 722.134(a)-(c) [40 C.F.R. § 262.34(a)-(c)]. EPA has identified the permit exemption condition with which Cerro was out of compliance at the time of the inspection in paragraph 1 below.

Many of the conditions for a RCRA permit exemption are also independent requirements that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSD requirements). When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from Ill. Admin. Code tit. 35 Part 725, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement. The exemption condition identified in paragraph 1 is also independent TSD requirement incorporated

from Ill. Admin. Code tit. 35 Part 725. Accordingly, the failure of Cerro to comply with this condition is also a violation of the corresponding requirement in Ill. Admin. Code tit. 35 Part 725 [40 C.F.R. Part 265] (if the facility should have fully complied with the requirements for interim status), or Ill. Admin. Code tit. 35 Part 724 [40 C.F.R. Part 264] (if the facility should have been permitted).

STORAGE OF HAZARDOUS WASTE WITHOUT A PERMIT OR INTERIM STATUS AND VIOLATIONS OF TSD REQUIREMENTS

At the time of the inspection, Cerro was out of compliance with the following "large quantity generator" permit exemption condition:

1. Date When Each Period of Accumulation Begins

Under Ill. Admin. tit. 35 § 722.134(a)(2) [40 C.F.R. § 262.34(a)(2)], a large quantity generator must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins.

At the time of the inspection, Cerro was storing one 55 gallon drum of flammable liquid (D001, F003, F005, D035) that was not marked with the date upon which the period of accumulation of hazardous waste began.

It should be noted that at the time of EPA's inspection, Cerro was storing universal waste lamps in the maintenance area. The boxes of used lamps were not being stored properly, as described below.

2. Universal Waste Storage

Under Ill Admin. Code tit. 35 § 733.113(d)(1), a small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment. A small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps.

Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

Cerro is a small quantity handler of universal waste because it accumulates less than 5,000 kilograms or more of universal waste at any time.

At the time of the inspection, Cerro was storing used lamps in containers that were not being kept in a closed position. In addition several fluorescent bulbs were not stored in

any type of container or box.

3. Universal Waste Lamp Labeling

Under Ill Admin. Code tit. 35 § 733.114(e), a small quantity handler of universal waste must label or clearly mark each lamp or container or package in which such lamps are contained with any one of the following phrases: "Universal Waste-Lamps", "Waste Lamps" or Used Lamps."

At the time of the inspection, Cerro's containers of lamps were not labeled with the phrase "Universal Waste-Lamps", "Waste Lamps" or Used Lamps."

4. Universal Waste Accumulation Time Limits

Under Ill Admin. Code tit. 35 § 733.115(a), a small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler.

At the time of the inspection, according to Mr. Joseph Grana, Cerro was storing used lamps for approximately two years.

5. Universal Waste Lamp date of Accumulation

Under Ill Admin. Code tit. 35 § 733.115(c), a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

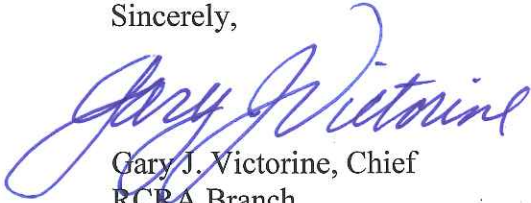
At the time of the inspection, Cerro was storing used lamps in containers with no accumulation start date.

At this time, EPA is not requiring Cerro to apply for an Illinois hazardous waste storage permit so long as it immediately establishes compliance with the condition for a permit exemption outlined in paragraph 1, above.

According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, which you have taken since the inspection to establish compliance with the above permit exemption condition and universal waste requirements. You should submit your response to Spiros Bourgikos, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

If you have any questions or concerns regarding this matter, please contact Mr. Spiros Bourgikos, of my staff, at (312) 886-6862 or at Bourgikos.spiros @epa.gov.

Sincerely,



Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: Todd Marvel, Illinois Environmental Protection Agency (todd.marvel@illinois.gov)